



#4

DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "SELF-CONTAINED DEVICES FOR DETECTING BIOLOGICAL CONTAMINANTS," which is described and claimed in the specification and claims of Patent Application No. 09/874,913, which we filed in the United States Patent and Trademark Office on June 4, 2001 and for which a patent is sought. This application claims the benefit of Provisional Application No. 60/208,865, filed on June 2, 2000.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Tim Allen Kelly
Tim Allen Kelly

Date 09/17/07

Residence : City of Bellevue, County of King
State of Washington

Citizenship : United States of America

P.O. Address : 815 144th Place SE
Bellevue, Washington 98007

George Michael Hass
George Michael Hass

Date 10/14/01
Residence : City of Sammamish, County of King
State of Washington
Citizenship : United States of America
P.O. Address : 19524 SE 24th Place
Sammamish, Washington 98075

Philip Thomas Feldsine
Philip Thomas Feldsine

Date 9/24/01
Residence : City of Mercer Island, County of King
State of Washington
Citizenship : United States of America
P.O. Address : 1621 72nd Ave SE
Mercer Island, Washington 98040



DECLARATION

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Date 09/17/07

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Bellevue, Washington 98007

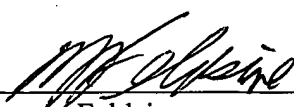
George Michael Hass

Date _____

Residence : City of Sammamish, County of King
State of Washington

Citizenship : United States of America

P.O. Address : 19524 SE 24th Place
Sammamish, Washington 98075



Philip Thomas Feldsine

Date 9/24/01

Residence : City of Mercer Island, County of King
State of Washington

Citizenship : United States of America

P.O. Address : 1621 72nd Ave SE
Mercer Island, Washington 98040



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tim A. Kelly et al.
Application No. : 09/874,913
Filed : June 4, 2001
For : SELF-CONTAINED DEVICES FOR DETECTING BIOLOGICAL
CONTAMINANTS

Docket No. : 150026.463

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints George C. Rondeau, Jr., Reg. No. 28,893; David H. Deits, Reg. No. 28,066; William O. Ferron, Jr., Reg. No. 30,633; Richard G. Sharkey, Reg. No. 32,629; David V. Carlson, Reg. No. 31,153; Karl R. Hermanns, Reg. No. 33,507; Michael J. Donohue, Reg. No. 35,859; Jane E. R. Potter, Reg. No. 33,332; Robert Iannucci, Reg. No. 33,514; Lorraine Linford, Reg. No. 35,939; David W. Parker, Reg. No. 37,414; E. Russell Tarleton, Reg. No. 31,800; Ellen M. Bierman, Reg. No. 38,079; Brian G. Bodine, Reg. No. 40,520; Robert M. Ward, Reg. No. 26,517; Frank Abramonte, Reg. No. 38,066; Kevin S. Costanza, Reg. No. 37,801; Stephen J. Rosenman, Reg. No. 43,058; Brian L. Johnson, Reg. No. 40,033; Susan D. Betcher, Reg. No. 43,498; William T. Christiansen, Reg. No. 44,614; Jeffrey C. Pepe, Reg. No. 46,985; Timothy L. Boller, Reg. No. 47,435; James M. Verna, Reg. No. 33,287; James A. Mesher, Reg. No. P-48,700; Mae J. Rosok, Reg. No. P-48,903; Dale R. Cook, Reg. No. 42,434; comprising the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please direct all telephone calls to William T. Christiansen, Ph.D. at (206) 622-4900 and telecopies to (206) 682-6031.

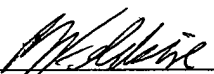
Please direct all communications to:

William T. Christiansen, Ph.D.
Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to BioControl Systems, Inc. filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

BioControl Systems, Inc.
ASSIGNEE

10/22/01
DATE


Philip T. Feldsine
President and CEO

Enclosure:
Copy of Assignment

ASSIGNMENT

WHEREAS, we, Tim Allen Kelly, George Michael Hass and Philip Thomas Feldsine (hereinafter referred to as ASSIGNORS), having post office addresses of 815 144th Place SE, Bellevue, Washington 98007; 19524 SE 24th Place, Sammamish, Washington 98075 and 1621 72nd Ave SE, Mercer Island, Washington 98040 are joint inventors of the U.S. Patent Application entitled "SELF-CONTAINED DEVICES FOR DETECTING BIOLOGICAL CONTAMINANTS", as described and claimed in the specification for which an application for United States letters patent was filed on June 4, 2001 and assigned Application No. 09/874,913. This application claims the benefit of Provisional Application No. 60/208,865, filed on June 2, 2000.

WHEREAS, BioControl Systems, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington, having a place of business at 12822 SE 32nd Street, Bellevue, Washington 98005, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

Date 09/17/01 Tim A Kelly
Tim A. Kelly
State of WASHINGTON)
County of KING) ss.


I certify that I know or have satisfactory evidence that Tim Allen Kelly is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 10/22/01
Signature of Troy Wessman
Notary Public
Printed Name Troy Wessman
My appointment expires 6/15/03

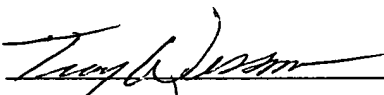
Date _____
George Michael Hass
State of _____)
County of _____) ss.

I certify that I know or have satisfactory evidence that George Michael Hass is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____
Signature of _____
Notary Public
Printed Name _____
My appointment expires _____

Date 9/24/01 
Philip Thomas Feldsine
State of WASHINGTON)
County of KING) SS.

I certify that I know or have satisfactory evidence that Philip Thomas Feldsine is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 10/22/01
Signature of Notary Public 
Printed Name Tray Wassman
My appointment expires 6/15/03

ASSIGNMENT

WHEREAS, we, Tim Allen Kelly, George Michael Hass and Philip Thomas Feldsine (hereinafter referred to as ASSIGNORS), having post office addresses of 815 144th Place SE, Bellevue, Washington 98007; 19524 SE 24th Place, Sammamish, Washington 98075 and 1621 72nd Ave SE, Mercer Island, Washington 98040 are joint inventors of the U.S. Patent Application entitled "SELF-CONTAINED DEVICES FOR DETECTING BIOLOGICAL CONTAMINANTS", as described and claimed in the specification for which an application for United States letters patent was filed on June 4, 2001 and assigned Application No. 09/874,913. This application claims the benefit of Provisional Application No. 60/208,865, filed on June 2, 2000.

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NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

09/12/01
Date

Tim A. Kelly
Tim A. Kelly

State of _____)

ss.

County of _____)

I certify that I know or have satisfactory evidence that Tim Allen Kelly is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

Signature of
Notary Public _____

Printed Name _____

My appointment expires _____

10/14/01
Date

George Michael Hass
George Michael Hass

State of _____)

ss.

County of _____)

I certify that I know or have satisfactory evidence that George Michael Hass is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.


Dated _____

Signature of
Notary Public _____

Printed Name _____

My appointment expires _____

Date 9/24/01


Philip Thomas Feldsine

State of _____)

ss.

County of _____)

I certify that I know or have satisfactory evidence that Philip Thomas Feldsine is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

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